

REMARKS

Reconsideration of this application is respectfully requested in view of the foregoing amendment and the following remarks.

Claims 1-37 were pending in the present application. On June 10, 2004, Applicants elected by telephone to proceed with claims 1-31. In this Amendment, claims 32-37 have been canceled without prejudice or disclaimer. Claims 1 and 27 have been amended. New claims 38-40 have been added. These amendments are believed not to introduce new matter and their entry is respectfully requested. After entry of the amendments, claims 1-31 and 38-40 will be pending for reconsideration. For the reasons stated below, Applicants respectfully submit that all claims pending in this application are in condition for allowance.

Pursuant to Applicants' election, please cancel claims 32-37 without prejudice or disclaimer.

In the Office Action, claims 1-3, 6-17, 21-23, and 26-31 were rejected under 35 § U.S.C. 103(a) as being unpatentable over British Patent Specification GB 414,742 to Muir ("Muir") in view of U.S. Patent No. 5,566,947 to Tucker ("Tucker"). Applicants have amended claims 1 and 27 to overcome this rejection.

Muir is directed to a protective covering for a game apparatus, such as a lacrosse stick or tennis racket, including a lacing strip to provide a mechanism for lacing the head of the lacrosse stick. (Muir at page 1, lines 10-23.) According to Muir, the protective covering is a rubber sheath surrounding the long side member of the head frame and the continuous inner end of the

handle. (Muir, page 1, lines 69-73.) The lacing strip is flatly engaged and adhesively united to the rubber sheath. (Muir, page 1, lines 94-98.)

Though not explicitly recited in the Office Action, Applicants understand that the rubber sheath described in Muir is being applied as the "first member" recited in claims 1 and 27 and the lacing strip described in Muir is being applied as the "second member" recited in claims 1 and 27. Claims 1 and 27 have been amended to recite that the second member "defines an open space with respect to the first member." Because the lacing strip of Muir is "flatly engaged" and "adhesively united" to the rubber sheath, applicant respectfully submits that it cannot define an open space with respect to the rubber sheath, nor is any shown or suggested in any of the figures or text of Muir.

Moreover, Applicant respectfully submits that Tucker does not teach or suggest a second member, whether moveable in relation to a first member or not, nor does it teach or suggest any open space between a first member and a second member. Consequently, Applicants respectfully submit that neither Muir nor Tucker, whether taken alone or in combination, teaches or suggests the elements of Applicants' invention as recited in claims 1 and 27. Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claims 1 and 27. Further, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of the respective dependent claims of claims 1 and 27, claims 1-26 and claims 28-31.

Claims 4 and 5 were rejected under 35 U.S.C. 103(a) as being unpatentable over Muir in view of Tucker and further in view of Applicants' admitted prior art. Claims 4 and 5 depend

from claim 1. Consequently, Applicants respectfully submit that the foregoing discussion with respect to claim 1 is sufficient to overcome the rejection. For at least this reason, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claims 4 and 5.

Claims 18 and 19 were rejected under 35 § U.S.C 103(a) as being unpatentable over Muir in view of Tucker and further in view of U.S. Patent No. 5,082,290 to Tucker. Claims 18 and 19 depend either directly or indirectly from claim 1. Consequently, Applicants respectfully submit that the foregoing discussion with respect to claim 1 is sufficient to overcome the rejection. For at least this reason, applicant respectfully requests that the Examiner reconsider and withdraw the rejection of claims 18 and 19.

Applicants acknowledge with thanks the Examiner's indication of allowable subject matter in claims 20, 24, and 25, and accordingly, has added new claims 38-40. New claim 38 corresponds to claim 20 rewritten in independent form as indicated would be allowable in the Office Action. New claims 39 corresponds to claim 24 rewritten in independent form as indicated would be allowable in the Office Action. New claim 40 corresponds to claim 25, but is dependent upon new claim 39. For the foregoing reasons, new claims 38-40 are believed to be in condition for allowance.

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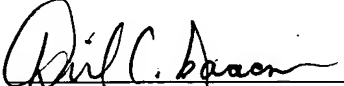
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In view of the foregoing, all of the claims in this case are believed to be in condition for allowance. Should the Examiner have any questions or determine that any further action is desirable to place this application in even better condition for issue, the Examiner is encouraged to telephone Applicants' undersigned representative at the number listed below.

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Respectfully submitted,
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DCI/SPA